IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11503 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PATEL KOKILABEN NARANBHAI

Versus

UNION OF INDIA

Appearance:

1. Special Civil Application No. 11503 of 2003

MR NIKHIL D JOSHI for Petitioner No. 1

..... for Respondent No. 1

MR DN PATEL for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE A.R.DAVE

Date of decision: 24/09/2003

ORAL JUDGEMENT

Rule. Service of rule is waived by learned advocate Shri N.J. Shah appearing for Shri D.N. Patel, Sr. Standing Counsel. At the request of the learned advocates, the petition is finally heard today.

2. The case of the petitioner is that the petitioner wanted to get her date of birth changed in her passport and, therefore, has given an application but the said application is not being entertained by the respondent. It has been submitted by learned advocate Shri Nikhil Joshi appearing for the petitioner that the petitioner is having passport bearing No. A-6488732 wherein her date of birth has been recorded as 12.2.1949. The said date of birth had been recorded on the basis of school leaving certificate presented by the petitioner along with the passport application form.

3. It has been submitted by the learned advocate that after issuance of the passport, the petitioner has learnt that her correct date of birth is 16.12.1948 as reflected in her birth certificate. In view of the said fact, she wants the correct date of birth to be recorded in her passport.

4. The petitioner has, therefore, prayed that the respondent authority be directed to issue a new passport with the correct date of birth of the petitioner as shown in the birth certificate.

5. Learned advocate Shri N.J. Shah appearing for the respondent authority has submitted that only on the basis of material given by the petitioner, her date of birth was recorded as 12.2.1949. It is his case that no change in the passport is effected, but for making any correction in the passport, a new passport is normally issued by the authority with correct details if the passport authority is satisfied with the genuineness of the data to be corrected.

6. I have heard the learned advocates. Looking to the facts of the case, the respondent is directed to look into the application submitted by the petitioner and the evidence adduced by the petitioner to the respondent in support of her case that her date of birth is 16.12.1948. The respondent shall take appropriate decision in accordance with law after considering the relevant evidence adduced before him and shall pass an appropriate order thereafter.

7. As the respondent authority will have to undertake the exercise of scrutinizing the application,

appreciating the evidence, etc. afresh because of the default committed by the petitioner in not placing correct facts at an earlier point of time, a sum of Rs. 5,000/- is ordered to be paid by the petitioner to the respondent authority by way of costs.

8. It is hoped that the respondent authority shall scrutinize the application and shall take appropriate action as soon as possible.

The petition is allowed. Rule is made absolute. D.S. permitted.

(A.R. Dave, J.)

(hn)